DOCKET FILE COPY ORIGINAL

**Before the**
**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, D.C. 20554**

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | |
| Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities | ) | CC Docket No. 98-67 |

RECEIVED

JUL 20 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

# COMMENTS OF GTE

Dated: July 20, 1998

GTE Service Corporation and its affiliated domestic telephone operating, wireless, and long distance companies

John F. Raposa
GTE Service Corporation
600 Hidden Ridge, HQE03J27
P.O. Box 152092
Irving, TX 750152092
(972) 718-6969

Andre J. Lachance
GTE Service Corporation
1850 M Street, N.W., Suite 1200
Washington, DC 20036
(202) 463-5214

Their Attorneys

No. of Copies rec'd 0+6
List A B C D E

TABLE OF CONTENTS

SUMMARY ii

I. BACKGROUND 2

II. DISCUSSION 3

A. TRS services should be expanded to include STS services 3

B. Expansion into other "improved" services is not warranted at this time 6

1. GTE supports the Commission's decision not to require TRS providers to offer VRS service 7

2. GTE agrees with the Commission's proposal not to require MRS and Translation Services at this time 8

C. Modification of the Commission's mandatory minimum TRS standards are not required at this time 9

1. The Commission should not adopt its proposal to require TRS calls to be answered by a CA within 10 seconds 85 percent of the time 9

2. The FCC should not impose requirements on the length of time the CA answering a TRS call must stay with the call 11

III. CONCLUSION 13

## SUMMARY

GTE generally supports the Commission's proposed modifications to improve Telecommunication Relay Services for persons with hearing and speech disabilities. GTE believes however that the Commission should refine some of the proposals in the *Notice.*

First, GTE concurs with the Commission that TRS services should be expanded to include speech-to-speech services. While GTE believes that a two-year implementation deadline is reasonable, GTE asks the FCC to take steps to ensure that no carrier will be required to incur the costs associated with STS until adequate funding is available.

Second, GTE concurs with the Commission that Video Relay Interpreting Service and Multilingual Relay Services should not become mandatory TRS services.

Third, GTE believes that the Commission's proposed amendments to the TRS minimum standards for speed-of-answer and call suspension are not needed at this time. The proposed modifications are unnecessary and would substantially increase the cost of the providing TRS.

**Before the**
**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, D.C. 20554**

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | |
| Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities | ) | CC Docket No. 98-67 |

## COMMENTS OF GTE

GTE Service Corporation and its affiliated domestic telephone operating, wireless, and long distance companies' (collectively, "GTE") respectfully respond to the Federal Communications Commission's ("FCC" or Commission") *Notice of Proposed Rulemaking*, FCC 98-90 *("Notice")* regarding rule amendments designed to enhance the quality and use of Telecommunications Relay Service ("TRS"). In the *Notice,* the Commission proposes (1) that within two years of the publication in the Federal Register of a Report and Order in this proceeding, common carriers providing voice transmission service must ensure that nationwide speech-to-speech ("STS") relay services are available to users with speech disabilities to users throughout their service

---

[1] These comments are filed on behalf of GTE's affiliated domestic telephone operating companies, GTE Wireless Incorporated, and GTE Communications Corporation, Long Distance Division. GTE's domestic telephone operating companies are: GTE Alaska Incorporated, GTE Arkansas Incorporated, GTE California Incorporated, GTE Florida Incorporated, GTE Hawaiian Telephone Company Incorporated, The Micronesian Telecommunications Corporation, GTE Midwest Incorporated, GTE North Incorporated, GTE Northwest Incorporated, GTE South Incorporated, GTE Southwest Incorporated, Contel of Minnesota, Inc., and Contel of the South, Inc.

areas; (2) a number of amendments to the current TRS minimum standards designed to improve the effectiveness of the TRS program; and (3) a number of amendments to the TRS enforcement rules aimed at improving FCC oversight of state TRS programs and allowing the FCC to compel compliance with the federal mandatory minimum standards for TRS.

GTE Supports the goals of both Title IV of the ADA and Section 255 of the Telecommunications Act of 1996 ("1996 Act") to ensure greater access to and improvements in telecommunications services for persons with disabilities. GTE supports the Commission's proposal to expand TRS to include STS relay services, but not to include other expanding services at this time. GTE believes the Commission's proposals to adopt a number of amendments to the TRS minimum standards are not needed at this time.

## I. BACKGROUND

Title IV of the Americans with Disabilities Act of 1990 ("ADA") requires the Commission to ensure that TRS is available, to the extent possible and in the most efficient manner, to persons with hearing or speech disabilities in the United States.' TRS is a telephone transmission service that provides persons with speech or hearing disabilities "functional equivalent" access to the telephone network.[3] Functionally equivalent access is primarily accomplished utilizing special equipment and Communications Assistants ("CAs") that relay conversations using text telephones

---

[2] Pub. L. No 101-336, § 401,401 Stat. 327, 336-69, codified at 47 U.S.C. § 225

[3] *Notice* at 4 (¶ 6)

("TTYs") and persons who use conventional telephones.[4] Pursuant to the ADA, the FCC is authorized (1) to set minimal operational, functional, and technical standards for TRS; (2) certify state TRS programs; and (3) oversee the administration for the interstate TRS cost-recovery fund.[5]

GTE is a major telecommunications service provider and, through its subsidiary GTE Hawaiian Telephone Company ("GTE Hawaii"), is the designated TRS provider for the State of Hawaii. GTE Hawaii's TRS traffic consists of local, intrastate toll, and interstate toll, with billable call types including sent-paid (non-coin only) and alternative billed, such as third number and calling card. The system utilizes TTY communication systems and includes features of Voice Carry Over ("VCO") and Hearing Carry Over ("HCO"). GTE Hawaii serves an estimated 93,000 persons who are deaf, hard of hearing, or have speech disabilities.

## II. DISCUSSION

### A. TRS services should be expanded to include STS services.

STS service is an improved TRS offering that uses specially trained persons as relay "voices" for person with severe speech disabilities.[6] The FCC proposes that within two years of publication in the Federal Register of a *Report and Order* in this proceeding, all common carriers providing voice transmission services must ensure that STS services are available to callers with speech disabilities throughout their service

---

4 *Id.,* at 6 (¶ 10).

5 See *47* **C.F.** R. §§ 64.601-64.605.

6 *Notice* at 9 (¶ 19).

areas.[7] The Commission believes that STS services falls within the scope of the ADA's definition of "telecommunications relay services." The FCC tentatively concludes that requiring carriers to provide STS under the Commission's TRS rules is consistent with its responsibility to ensure that regulations do not discourage or impair the development of improved technologies. The Commission also concludes that the benefits of STS greatly outweigh the costs.[8] The Commission cites United Cerebral Palsy Association ("UCPA") statistics that indicate up to 76% of persons with severe speech disabilities are unemployed. Accordingly, the FCC believes that access to the telephone network through STS would significantly enhance educational and employment opportunities for such people.[9]

GTE supports the Commission's proposal to expand TRS to include STS services. In addition to the reasons cited by the FCC, GTE believes that STS services will assist individuals with hearing or speech disabilities who also have accompanying physical disabilities that make using a TTY difficult, inconvenient or even impossible." GTE's experience in providing service to individuals with speech disabilities leads it to believe that CA's can be trained to provide STS service if given an ample amount of time.

---

7 *Id.,* at 11 (¶ 23).

8 *Id.,* at 11 (¶ 23).

9 *Id.,* at 12 (¶ 23).

10 See GTE NOI comments at 11, part IV.

In order to facilitate an STS capability, however, GTE believes that certain TRS rules and standards will have to be amended. For example, STS calls may take a longer period of time to complete because the conversation must be sent to the CA and repeated in a series rather than in a parallel process. Any rules or standards developed to evaluate the efficiency of the program must take this call characteristic of STS into consideration. The Commission recognized in the *Notice* that STS services may have operational characteristics that may make compliance with certain "traditional" TRS standards technically difficult or impossible."[11] Given the additional set-up that will be required for the CA to understand the needs of the caller and process an STS call, GTE believes that the thirty-second elapsed time rule should be relaxed for STS service. GTE believes that application of the thirty-second rule could cause a degradation of STS service.

With respect to the two year implementation deadline for STS proposed by the FCC, GTE agrees that two years is needed for technical and operational improvements necessary to support an STS capability. While the expansion of TRS services to include STS is not technically difficult, it will require several modifications of equipment and some changes in operating standards. For example, the current phone system must be modified to add equipment that will allow for a three-way analog voice phone connection among the calling, called, and relay parties.

Time will also be required to hire and train qualified STS specialists and to develop systems and procedures. As the Commission recognizes, "sufficient number

---

[11] *Notice* at 13 (¶ 26).

of personnel trained to deliver STS services may not currently be available."[12] While GTE believes that CAs can be trained to provide STS services, developing and implementing a training program for existing TRS personnel will take time. TRS providers also must evaluate the impact of STS on its other services and determine the optimum levels and assignment of staffing.

While GTE believes two years is sufficient time for TRS providers to prepare to offer STS, GTE is concerned that state funding issues may take longer to resolve. GTE concurs with the commission that the costs of providing STS and other "improved" relay services should be reimbursed from the appropriate – federal or state -- TRS fund.[13] GTE is concerned, however, that, in Hawaii, it will be required to implement an STS capability before adequate funding is available. For this reason, GTE asks the Commission to rule either (1) that states may set the implementation schedule for STS based on their ability to provide funding; or (2) that TRS providers in a state need not provide STS until adequate funding is available from the state.

### B. Expansion into other "improved" services is not warranted at this time.

In the *Notice,* the Commission discusses whether the requirements of the ADA also apply to other "improved" TRS. In particular, the *Notice* considers whether to require TRS providers to include Video Relay Interpreting ('VRI") Services and Multilingual Relay Services ("MRS") and Translation Services in their TRS offerings.

---

[12] *Id.,* at 12 (¶ 25).

[13] *Id.,* at 8 (¶ 15).

### 1. GTE supports the Commission's decision not to require TRS providers to offer VRI service.

VRI service that utilizes personal computer ("PC"), video equipment, sign language interpreting services, and high-speed transmission services such as ISDN to provide communications services for the deaf. VRI service allows a deaf TRS user to communicate with voice telephone users in sign language, or by other forms of visual technology.[14] In the *Notice,* the Commission proposes not to require TRS providers to offer VRI service at this time. While concluding that VRI service has great potential, the Commission finds that the technology necessary to provide VRI is at an early stage of development and that the costs associated with VRI are substantial. The Commission also notes that there may be an inadequate supply of qualified interpreters to staff nationwide VRI services at this time.[15]

GTE agrees with the Commission that VRI services should not be made a mandatory component of TRS. As the Commission correctly notes in the *Notice,* the technology on which VRI service depends is still being developed. As such, mandating VRI service at this time would be premature.

GTE also shares the Commission's concerns about the high costs of providing VRI services. While VRI services may be technologically feasible today, the costs of the service would be prohibitive. Implementing VRI service today would require customers to invest in technology such as PC equipment, and ISDN infrastructure.

---

[14] *Id.,* at 13 (¶ 27).

[15] *Id.,* at 15 (¶ 32).

Costs would be especially high in lower density and rural areas. Moreover, because interpretation skills are beyond the job skills currently required for CAs using TTY technology, additional funding would be needed to either train existing personnel or hire qualified persons.

Finally, GTE agrees with the Commission that the lack of qualified interpreters presents a serious implementation problem, particularly for a small geographic area and population base like Hawaii. Many of the video relay service operators required to provide this service would be drawn from a limited resource that already serves the local community for those needing interpreter services. As a result, there would be a limited pool of qualified interpreters to staff TRS centers providing VRI services.

### 2. GTE agrees with the Commission's proposal not to require MRS and Translation Services at this time.

MRS allows persons with hearing and speech disabilities that use languages other than English to communicate with voice telephone users through CAs who are fluent in foreign languages. The Commission proposes not to adopt a national standard to require MRS. Rather, the Commission tentatively concludes that the decision to implement MRS is best left to the state TRS programs.[16]

GTE concurs with the Commission that the decision regarding whether to provide MRS should be made at the state level. In addition, GTE agrees that states are better able to determine what languages for which MRS should be provided. Selection of what languages to translate may be construed as a political or economic bias.

---

[16] *Id.,* at 17 (¶ 37).

Selection of the language may be particularly difficult in areas such as Hawaii where several ethnic groups may share predominate status. Moreover, the need to translate a particular language may change over a relatively short time with the ebb and flow of foreign visitors. State governments working with local telecommunications service providers are better situated to determine if the particular market requires a capability to translate a specific language.

### C. Modification of the Commission's mandatory minimum TRS standards are not required at this time.

The Commission proposes a number of changes to its mandatory minimum standards in order to improve TRS. Of particular concern to GTE are the Commission's proposals (1) to adopt a minimum standard for speed-of-answer; and (2) to adopt standards for call suspensions initiated by a CA.

#### 1. The Commission should not adopt its proposal to require TRS calls to be answered by a CA within 10 seconds 85 percent of the time.

The Commission believes that speed-of-answer requirements are a cornerstone of the Commission TRS rules. It states that the ability for a TRS user to reach a CA prepared to place a call without experiencing delays is an important part of the concept of "functional equivalence." The Commission notes that speed-of-answer was one of the most frequently discussed issues of commenting parties in the NOI and that many commenters expressed concerns regarding call blockage or delays in placing calls.

The Commission raises concerns over two practices that it claims adversely effect delays in completing a call: (1) The practice of having calls answered by an automated system that places a call in que for long periods; and (2) the practice of

calculating speed-of-answer rates on a weekly or monthly basis, which allows the averaging of both low-use and busy TRS calling periods. The Commission is concerned that these practices tend to distort actual TRS performance.[17]

To address these concerns, the Commission proposes "to require TRS providers to answer 85% of all calls within 10 seconds by a CA prepared to place the TRS call at that time." The Commission further proposes that the calculation of whether a provider is in compliance with the 85% - 10 second rule must be performed on at least a daily basis.'*

GTE opposes adopting a national speed-of-answer rule. GTE agrees that quickly answering a call and beginning the translation process is extremely important. Any delays the customer experiences will distract from the functional equivalence of a TRS service. It is important that TRS providers staff and equip their centers in a manner to avoid delays. GTE is concerned, however, that the proposed rule may force TRS providers to eliminate automated answering systems and would substantially raise the costs of providing TRS.

GTE believes that the Commission's proposed rule would likely require TRS providers to eliminate the use of automated answering systems and replace them with additional CAs trained to relay calls. GTE opposes this result, first, because it believes that automated systems are useful tools both in ensuring that each call is answered in

---

17 *Id.,* at 23 (¶¶ 49-51).

18 *Id.,* at 23 (¶ 50). The FCC's current speed of answer rule contains contain an 85% -- 10 second rule, but does not specify answering by a CA, and does not specify how performance must be monitored. 47 C.F.R. § 64.604(b)(2).

the order it is received and in communicating information to callers that do experience a delay. Thus, on the very few occasions a delay may be experienced, answering by an automated system communicates to the caller that their call has reached the TRS center and that in a very short time their call will be completed.

GTE also opposes the Commission's proposed rule because the FCC does not appear to have considered the cost this requirement would impose on TRS providers and the states that fund them. GTE believes that in order to have a CA answer 85 percent of TRS calls within 10 seconds, automated systems will have to be replaced with additional CAs. While this result may be desirable, the requirement cannot and should not be made without considering the additional costs that will be imposed. GTE believes that evaluating whether improved speed-of-answer criteria justify the additional costs are issues best left to each of the states to decide. Individual states are much better situated than the FCC to evaluate the needs of it citizens, the current speed-of-answer performance of its TRS centers, and the affect the additional cost will have on the citizens of the state. Accordingly, GTE believes that the FCC should abandon its proposed speed-of-answer rules.

**2. The FCC should not impose requirements on the length of time the CA answering a TRS call must stay with the call.**

The Commission has also raised concerns regarding call suspensions initiated by CAs. Call suspension refers to the transfer of a call from one CA to another for various reasons including the end of one CA's shift.[19] The Commission is concerned

---

[19] *Notice,* at 27 (¶ 61).

that transferring TRS calls between CAs is very disruptive to the caller. To address this issue, the FCC proposes to require "that a CA answering and placing a TRS call must stay with that call for at least ten minutes before an in-call CA transfer can take place."[20]

GTE does not believe the proposed rule is necessary. GTE's experience in operating the Hawaii TRS center is that the average length of a TTY call is approximately four minutes and that, accordingly, call suspensions happen very rarely.[21] GTE does not allow the intentional altering of relay calls and does not artificially or otherwise limit the duration of calls. GTE has found, however, that during long shifts some CA fatigue can occur. This fatigue can affect the CA's ability to properly and efficiently translate messages. To combat fatigue and promote overall efficiency, GTE's current labor practices require breaks be taken at certain increments. Local labor laws also require that employees be given ample rest periods during the day. Most importantly, GTE's experience in Hawaii has been that changing CAs at the end of scheduled shifts has not caused disruptions. Significantly, the minimal suspension of TRS calls during shift changes has not resulted in any TRS user complaints in Hawaii.

Based on its experience in Hawaii, then, GTE does not believe there is any justification for the FCC to step in and regulate call suspension. Should the FCC decide, however, that some requirement is justified, GTE believes that requiring the

---

20 *Id.*, at 28 (¶ 62)

21 As the FCC notes, MCI argues that the average length of call in the centers it operates is only six minutes. *Id.,* at 28 (¶ 61).

answering CA to stay with the call for at least five minutes would be much more reasonable. A five-minute requirement would be preferable because it addresses the call suspension issue in a manner less intrusive to TRS providers. A five-minute rule would be less likely to interfere with regular shift schedules and the implementation of local labor laws and company labor practices.

## III. CONCLUSION

GTE supports the Commissions effort to improve TRS for individuals with hearing and speech disabilities. Accordingly, GTE supports the Commission's decision to make Speech-to-Speech relay service ("STS") a mandatory part of TRS, but not to require TRS providers to offer Video Relay Interpreting ("VRI") Services or Multilingual Relay Services ("MRS") services. GTE does not believe it is necessary for the commission to amend its current TRS minimum standards with respect to speed-of-answer and call suspensions.

Dated: July 20, 1998

Respectfully submitted,

GTE Service Corporation and its affiliated domestic telephone operating companies

John F. Raposa
GTE Service Corporation
600 Hidden Ridge, HQE03J27
P.O. Box 152092
Irving, TX 75015-2092
(972) 718-6969

By Andre J. Lachance

Andre J. Lachance
GTE Service Corporation
1850 M Street, N.W.
Washington, DC 20036
(202) 463-5276

Their Attorneys